

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
SE/S Kenlea Avenue, 1,615' NE of *
Trumps Mill Road * DEPUTY ZONING COMMISSIONER
(7519 Kenlea Avenue) *
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District *
Joyce E. Diepold * Case No. 98-400-A
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Joyce E. Diepold. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (carport) to be located in the side yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING

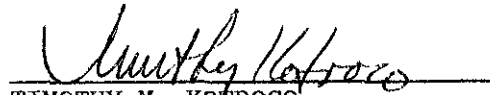
Date 5/21/98
By [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of May, 1998 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (carport) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs


TIMOTHY M. KUROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/21/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 20, 1998

Ms. Joyce E. Diepold
7519 Kenlea Avenue
Baltimore, Maryland 21236-4321

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Kenlea Avenue, 1,615' NE of Trumps Mill Road
(7519 Kenlea Avenue)
14th Election District - 6th Councilmanic District
Joyce E. Diepold - Petitioner
Case No. 98-400-A

Dear Ms. Diepold:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓ File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7519 Kenlea Avenue

which is presently zoned DR5.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 400.1 to allow an accessory building to be located in the side yard in lieu of the rear yard

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- 1.) Hardship to the environment - If a carport was built in the backyard there would be additional run off.
- 2.) The driveway would need to be extended at least 50 ft., leaving very little yard.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s).

(Type or Print Name)

Joyce E. Diepold
(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner:

7519 Kenlea Ave. 410-665-8522
Address Phone No

(Type or Print Name)

Baltimore Md 21286-4321
City State Zipcode

Signature

Name, Address and phone number of representative to be contacted

Address Phone No.

Name

City State Zipcode

Address Phone No.

A Public Hearing having been requested and/or found to be required, It is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JLL

DATE: 4/23/98

ESTIMATED POSTING DATE: 5/3/98



Printed with Soybean Ink
on Recycled Paper

ITEM #: 400

98-400-A

ORDER RECEIVED FOR FILING

Date

By

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7519 Kenlea Avenue
address
Baltimore Maryland 21236
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

See petition

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Joyce E. Diepold
(signature)
Joyce E. Diepold
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of April, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joyce E. Diepold

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

date

John Ellen Thompson
NOTARY PUBLIC

My Commission Expires: 2/1/99

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The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

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See petition

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Joyce E. Diepold
(signature)
Joyce E Diepold
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of April, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joyce E. Diepold

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

date

Mrs Ellen Thompson
NOTARY PUBLIC

My Commission Expires:

2/1/99



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7519 Kenlea Avenue

which is presently zoned DR 5.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 400.1 to allow an accessory building to be located in the side yard in lieu of the rear yard.

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I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee.

Legal Owner(s).

(Type or Print Name)

Joyce E. Diepold
(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner.

(Type or Print Name)

7519 Kenlea Avenue
Address

410-665-8322
Phone No

Baltimore
City

Md
State

21236-4321
Zipcode

Name, Address and phone number of representative to be contacted

Signature

Address Phone No

Name

City State Zipcode

Address Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: _____ DATE: _____



Printed with Soybean Ink
on Recycled Paper

ITEM #: 400

ESTIMATED POSTING DATE: _____

98-400-A

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 7519 KENLEA AVENUE

Beginning on the southeasternmost side of Kenlea Avenue at the distance of 1,615 feet measured northeasterly along the southeast side of Kenlea Avenue from Trumps Mill Road and at the northernmost corner of Lot No. 278 and running on the southeasternmost side of Kenlea Avenue, South 42 degrees 39 minutes West 60.00 feet, leaving said Avenue and running for a line division through Lot No. 280, South 47 degrees 21 minutes East 125.00 feet to intersect the southeasternmost outline and running and binding North 42 degrees 39 minutes East 60.00 feet to the easternmost corner of Lot No. 278, thence running and binding on the division line between Lot No. 278 and Lot No. 277, North 47 degrees 21 minutes West 125.00 feet to the place of beginning. Being all of Lots No. 278, 279 and the northeasternmost 10 feet of Lot No. 280 as shown on the Plat of Overlea Hills which is recorded in Baltimore County in Plat Book W.P.C. No. 7 folio 192. Also known as 7519 Kenlea Avenue and located in the 14th Election District of Baltimore County.

Containing 0.172 of an acre of land more or less

400

98-400-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JUV 400 No. 983703

DATE 4/23/98 ACCOUNT R0016150

AMOUNT \$ 50.00

RECEIVED FROM: DIEPOLD

FOR: RV FILING

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTION TIME
6/23/1998 6/25/1998 6:50:00
RT, US01 CASHIER JNYC INC DISNEY
5 MISCELLANEOUS CASH RECEIPT
Receipt # 032469
CB NO. 053703

50.00 CASH
Baltimore County, Maryland

98-400-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. 98-400-A
Petitioner/Developer:
(Joyce Diepold)
Date of Hearing/Closing:
(May 18, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____
7519 Kenlea Ave. Baltimore, Maryland 21236 _____

The sign(s) were posted on _____ May 1, 1998 _____
(Month, Day, Year)

Sincerely,

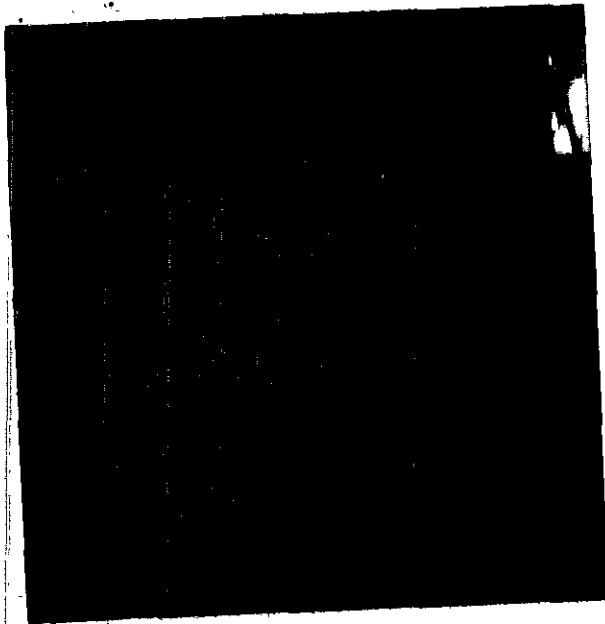

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 400 -A Address 7519 KENLEA AVE
Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 4/23/98 Posting Date: 5/3/98 Closing Date: 5/18/98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 98- 400 -A Address 7519 KENLEA AVE
Posting Date: 5/3/98 Closing Date: 5/18/98
Wording for Sign: TO PERMIT AN ACCESSORY STRUCTURE (A CARPORT) TO BE
LOCATED IN THE SIDE YARD IN LIEU OF THE REAR YARD.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 400

Petitioner: Joyce E Diepold

Location: 7519 Kenlea Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joyce E Diepold

ADDRESS: 7519 Kenlea Avenue

Baltimore, Md. 21236-4321

PHONE NUMBER: (410)-665-8522

AJ:ggs

(Revised 09/24/96)

98-400-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 20, 1998

Ms. Joyce E. Diepold
7519 Kenlea Avenue
Baltimore, MD 21236-4321

RE: Item Number: 400
Case Number: 98-400-A
Petitioner: Joyce E. Diepold

Dear Ms. Diepold:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 23, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwen Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR:rye

Enclosures



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley *RBS/RS*
Permits and Development Review
DEPRM

DATE: _____

SUBJECT: Zoning Advisory Committee
Meeting Date: *May 21, 92*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: *396* *401*
 397 *402*
 398 *403*
 (400)

RBS:sp

BRUCE2/DEPRM/TXTSBP



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 5.1.94
Item No. 400 JLL

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: May 5, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

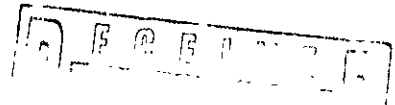
Item No. 389, 397, 400 and 402

If there should be any questions or if this office can provide additional information,
please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey Long

Division Chief: Carol L. Kerns

AFK/JL



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: May 5, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

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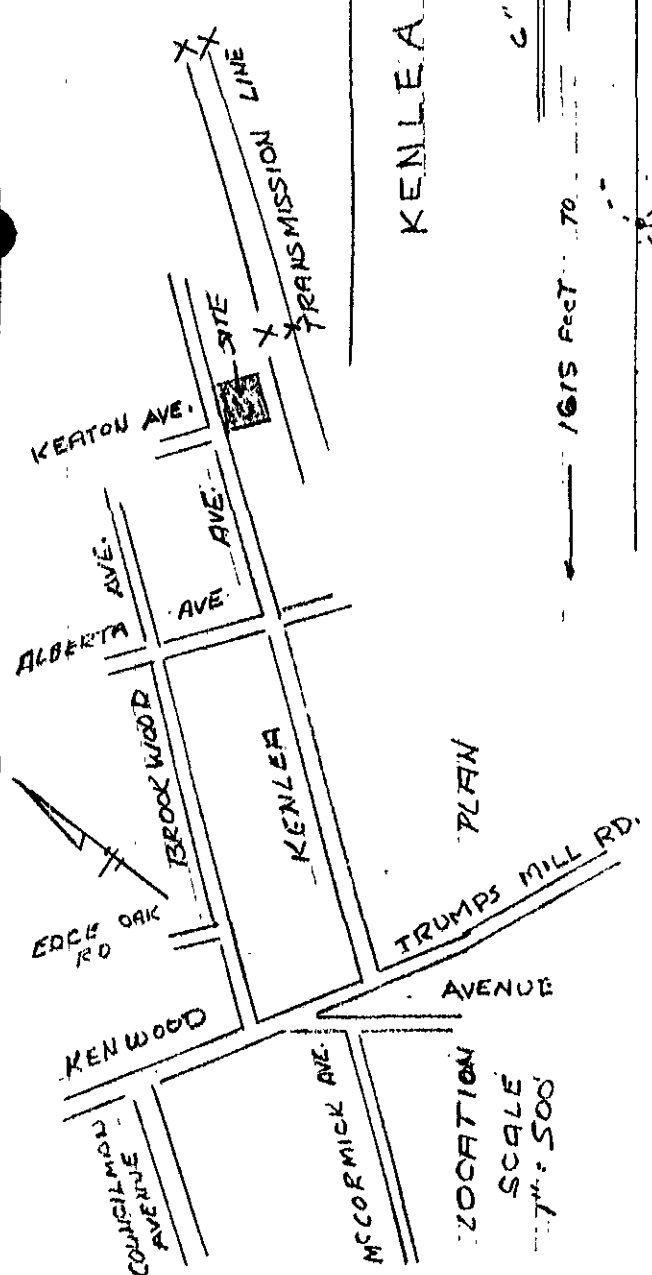
Item No. 389, 397, 400 and 402

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kerns

AFK/JL



KENLEA AVENUE

6" WATER

APPROX LOCATION

5" SAN. SEWER

TRUMPS MILL ROAD

IRON PIPE

BEGINNING

542°39'W 60.00'

37'

37'

125'

125'

125'

125'

125'

125'

125'

125'

125'

125'

125'

125'

125'

125'

125'

125'

125'

125'

125'

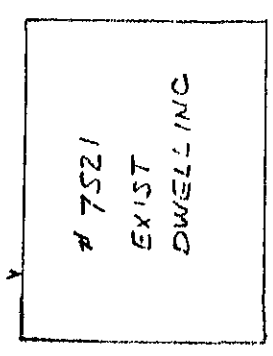
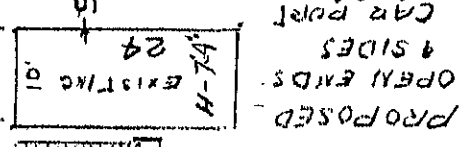
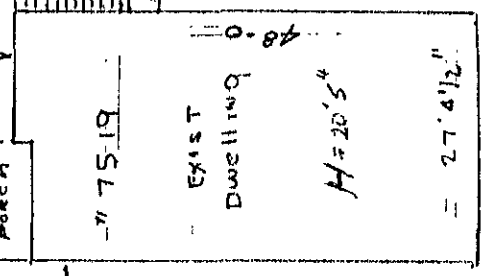
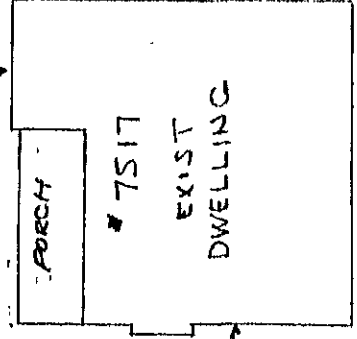
VARIANCE PLAN

OWNER: JOYCE E. DIEPOLD
DEED REF: 9208/68 7x 22000712C

ZONE: DR S.5
14th ELECTION DISTRICT
BALTIMORE COUNTY, MD.
LOTS 278 THRU 282 "OVERLEE HILLS"
PLAT BOOK WPC. N^o 7 folio 192

COUNCILMANIC DISTRICT NO. 6

BILLY B. WHITE
DEED 142B-114
1412001225



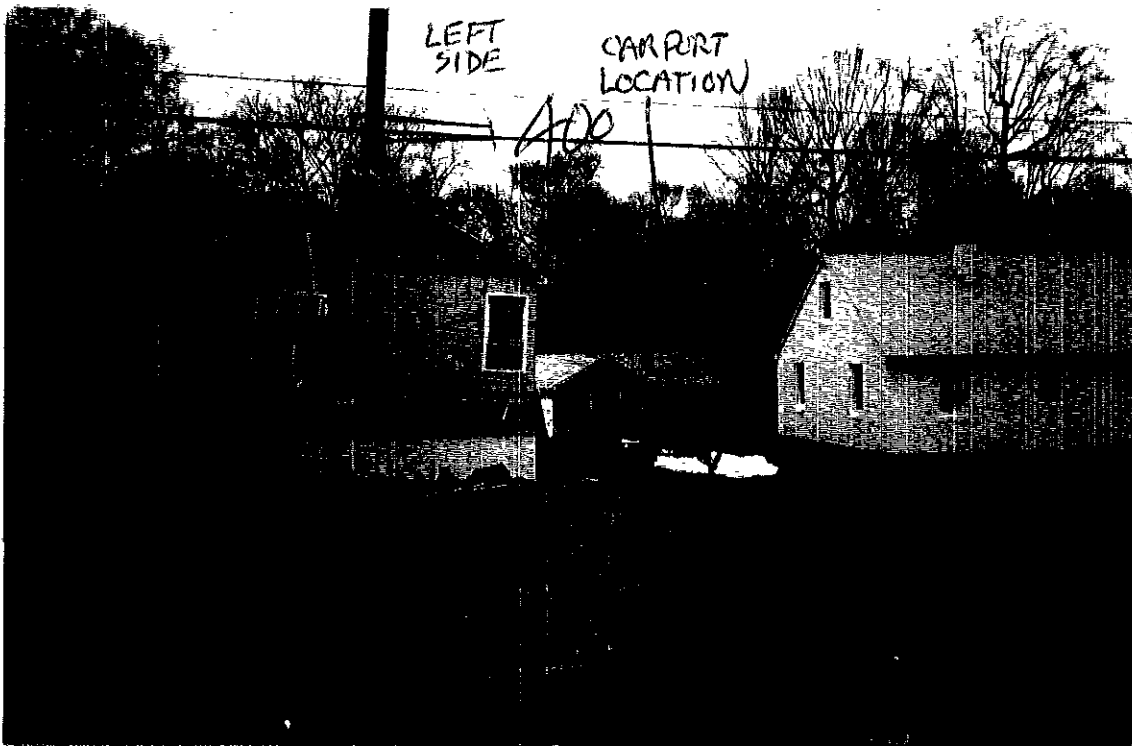
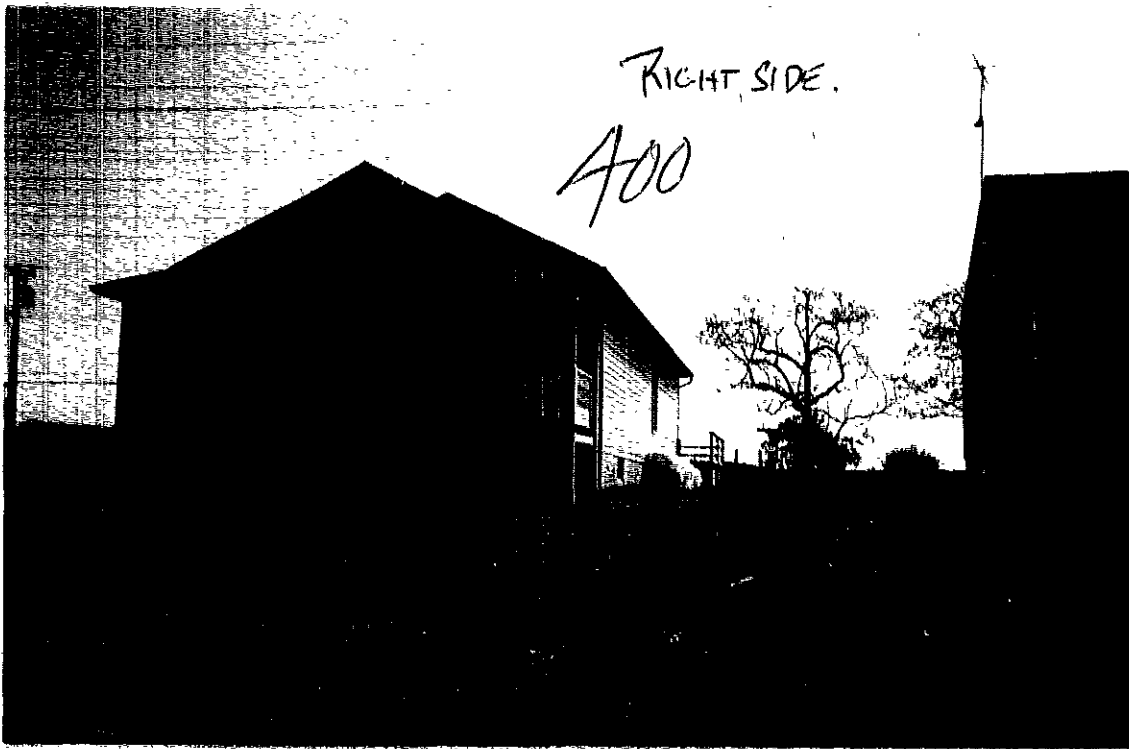
CLARENCE L. JAEGER
A10000025

277 276 275

SCALE 1" = 20' 4/18/98

B G & E TRANSMISSION LINE

98-400-A



98-400-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

SHEET

OVERLEA
400
NE.
6-E

98-400-A

